

PATTISON  
SAMPSON

December 3, 2018

**FACIMILE AND REGULAR MAIL**

E. Redmond Griffin  
Mickki L. Harrington  
Michael E. Ginsberg  
Thomas E. Lavery

Donald J. Shanley  
Carrianna C. Eurillo

Edward H. Pattison  
(1896-1986)  
Stephen H. Sampson  
(1911-1982)  
Ned Pattison  
(1932-1990)  
William M. Connors  
(1912-1998)  
Lambert L. Ginsberg  
(1928-2017)

PATTISON SAMPSON GINSBERG & GRIFFIN, PLLC  
22 FIRST STREET P.O. BOX 208 TROY, NY 12181-0208  
TELEPHONE 518 266 1000 FACSIMILE 518 274 6034

WWW.PSGGLAW.COM

SERVICE BY FAX NOT ACCEPTED

Crystal R. Peck, Esq.  
Bailey, Johnson, DeLeonardis & Peck, P.C.  
5 Pine West Plaza, Suite 507  
Washington Avenue Extension  
Albany, New York 12205

**Re: Adrian Thomas v. Ronald Fountain, et al.**  
**Civil Action No.: 1:17-cv-626 (GTS/DJS)**

Dear Crystal:

I am writing to you pursuant to the requirement of NYRUSTND L.R. 7.1 (d)(2) to request a conference to resolve discovery issues preparatory to seeking a Court conference, if the discovery issues cannot be resolved between us.

The discovery issues I have are as follows:

1. I think it must be determined exactly which party you represent in these discovery proceedings. Your firm is the attorney of record for the co-defendant, Michael Sikirica. I served a subpoena duces tecum directed to the Rensselaer County District which I did through the Rensselaer County Attorney. Your firm then stated that it would represent the District Attorney and I have attempted to deal with you in this capacity. However, it now appears to me that you may be conflicted between the interests of the District Attorney and those of Dr. Michael Sikirica and this matter ought now to be resolved between us or lacking that by the Court.
2. As far as the records of the District Attorney are concerned the discovery provided to me is the transcript of the trial testimony of the first trial which is fine and helpful as far as it goes.
3. However, I have been provided no records whatever relating to the second trial. I do not even know if the District Attorney has in his possession a transcript of any of the testimony taken during the second trial.
4. I have not been provided with copies of the People's briefs in the Appellate Division and Court of Appeals
5. I have not been provided with a copy of the video tapes taken of the defendant Thomas' interrogation. I need this to demonstrate to the

Court the participation of each defendant in the matter of the interrogation.

6. I desire to know who has possession of the complete records, papers, reports, writings, legal research, etc. compiled by the District Attorney's office in connection with all proceedings had in the matter of the People v. Adrian Thomas. Are these records presently located in the offices of the District Attorney, or in the office of the County Attorney or in your office? I am not talking about copies of these records. I am referencing the original records, etc. in the form compiled by the District Attorney's office.
7. I want to be permitted to inspect the complete file prepared, kept, and maintained by the District Attorney as described above. I will carefully examine the contents of same and request copies of all records desired by me to aid in the defense of my clients. I gave to you this same courtesy regarding the Troy Police records and I cannot be satisfied with less than the inspection set forth above.
8. I have not received a complete copy of the file compiled by Dr. Sikirica in connection with the autopsy performed on the deceased child. Might this be known instead as the Medical Examiner's file? Since my clients are accused of conspiring with Dr. Sikirica, you can understand my need.
9. As to the plaintiff, I do not believe that he has ever complied with Rule 26 discovery or am I wrong on this?
10. The plaintiff has not responded to my interrogatories dated May 10, 2018.

---

11. I have in my possession investigative notes and other records of the Child Protective Services pertaining to the death of the child, Matthew Thomas. I also have in my possession a report from the New York Statewide Central Register of Child Abuse and Maltreatment involving the death of a child in Rensselaer County. I will be happy to share these with counsel for the plaintiff and the co-defendant, Michael Sikirica if, and only if, I am served with a subpoena for same. Some of these records do not pertain to the death of Matthew and these will not be supplied by me to counsel even under a subpoena.

I propose that this settlement conference take place at the offices of the undersigned on a date and time agreeable to counsel

Sincerely,

PATTISON, SAMPSON, GINSBERG & GRIFFIN, PLLC



Donald J. Shanley, Esq.

Direct Dial: (518) 266-1029

DJS/may

cc: Brett H. Klein, Esq.  
305 Broadway, Suite 600  
New York, New York 10007

---

PATTISON  
SAMPSON

F. REDMOND GRIFFIN  
MICKKI L. HARRINGTON  
MICHAEL E. GINSBERG  
DONALD J. SHANLEY  
THOMAS E. LAVERY  
CARRIANNA C. EURILLO

PATTISON SAMPSON GINSBERG & GRIFFIN, PLLC  
22 FIRST STREET, P.O. BOX 208, TROY, NY 12181-0208  
TELEPHONE 518 266 1000 FAXSIMILE 518 274 6034  
SERVICE BY FAX NOT ACCEPTED

EDWARD H. PATTISON  
(1896-1986)  
STEPHEN H. SAMPSON  
(1911-1982)  
NED PATTISON  
(1932-1990)  
WILLIAM M. CONNORS  
(1912-1998)  
LAMBERT L. GINSBERG  
(1928-2017)

---

### FACSIMILE TRANSMITTAL SHEET

DATE: December 3, 2018

TO: Crystal R. Peck, Esq.  
Brett H. Klein, Esq.

FAX NO.: (518) 456-4767  
(212) 335-0571

FROM: Donald J. Shanley, Esq.

RE: Thomas v. City of Troy

PAGES: 4 (including this cover sheet)

PLEASE NOTE:

---

NOTICE: The information included in this Facsimile Transmittal Sheet and any accompanying documents are intended solely for the recipient named above. The information may contain confidential and legally privileged communications between attorney and client. If the reader of this message is not the recipient named above, any reading, dissemination, distribution, copying or disclosure of the contents of this transmission is prohibited. If you have received this transmission in error, please notify us immediately by telephone (collect) at (518) 266-1000 and return the contents to us by mail. We will reimburse you for the postage. Thank you for your cooperation.

\*\*\*\*\*  
 \*\*\* FAX MULTI TX REPORT \*\*\*  
 \*\*\*\*\*

JOB NO.	1038
PGS.	4
TX INCOMPLETE	-----
TRANSACTION OK	5184564767
ERROR	912123350571

## PATTISON SAMSON

PATTISON SAMSON GINSBERG & GRIFFIN, PLLC  
 22 FIRST STREET, P.O. BOX 208, TROY, NY 12181-0208  
 TELEPHONE 518 266 1000 FACSIMILE 518 274 6034  
 SERVICE BY FAX NOT ACCEPTED

R. REDMOND GRIFFIN  
 MICKI L. HARRINGTON  
 MICHAEL E. GINSBERG  
 DONALD J. SHANLEY  
 THOMAS E. LAVERY  
 CARRIANNA C. EURILLO

EDWARD H. PATTISON  
 (1896-1986)  
 STEPHEN H. SAMSON  
 (1911-1982)  
 NED PATTISON  
 (1932-1990)  
 WILLIAM M. CONNORS  
 (1912-1998)  
 LAMBERT L. GINSBERG  
 (1928-2017)

### FACSIMILE TRANSMITTAL SHEET

DATE: December 3, 2018

TO: Crystal R. Peck, Esq.  
 Brett H. Klein, Esq.

FAX NO.: (518) 456-4767  
 (212) 335-0571

FROM: Donald J. Shanley, Esq.

RE: Thomas v. City of Troy

PAGES: 4 (including this cover sheet)

PLEASE NOTE:

\*\*\*\*\*  
 \*\*\* FAX TX REPORT \*\*\*  
 \*\*\*\*\*

TRANSMISSION OK

JOB NO.	1042
DESTINATION ADDRESS	12123350571
SUBADDRESS	
DESTINATION ID	
ST. TIME	12/04 08:10
TX/RX TIME	01' 32
PGS.	4
RESULT	OK
COMM. MODE	G3

PATTISON  
SAMSON

PATTISON SAMSON GINSBERG & GRIFFIN, PLLC  
22 FIRST STREET, P.O. BOX 208, TROY, NY 12181-0208  
TELEPHONE 518 266 1000 FACSIMILE 518 274 6084  
SERVICE BY FAX NOT ACCEPTED

F. REDMOND GRIFFIN  
MICKEL L. HARRINGTON  
MICHAEL E. GINSBERG  
DONALD J. SHANLEY  
THOMAS E. LAVERY  
CARLIANNA C. EURILLO

EDWARD H. PATTISON  
(1896-1986)  
STEPHEN M. SAMSON  
(1911-1982)  
NED PATTISON  
(1982-1990)  
WILLIAM M. CONNORS  
(1912-1998)  
LAMBERT L. GINSBERG  
(1928-2017)

#### FACSIMILE TRANSMITTAL SHEET

DATE: December 3, 2018

TO: Crystal R. Peck, Esq.  
Brett H. Klein, Esq.

FAX NO.: (518) 456-4767  
(212) 335-0571

FROM: Donald J. Shanley, Esq.

RE: Thomas v. City of Troy

PAGES: 4 (including this cover sheet)

PLEASE NOTE: